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EXAMINER

GOODEN JR, BARRY J

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3616

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/690,236
Filing Date: October 21, 2003
Appellant(s): HELMSTETTER, MATTHIAS

Matthew M. Shaheen
For Appellant

EXAMINER'S ANSWER

MAILED
JUL 19 2007
GROUP 3600

This is in response to the appeal brief filed May 14, 2007 appealing from the Office action mailed November 6, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 1, 2, 9, 10, and 12-15 have been canceled.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,688,638	SCHÜTZ	2-2004
5,380,037	WORRELL ET AL.	1-1995

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 3, 5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Schütz, US Patent 6,688,638.

In regards to claims 3, 5 and 7, Schütz clearly shows a gasbag module (12) comprised of a gas generator (24) and a generator carrier (22) to which a gas generator (24) is fastened. The generator carrier (22) having a base section (23) with detent elements (30) via which the generator carrier (22) and indirectly the gas generator (24) are fastened to the steering wheel (10, 14, 16, 18, and 20). The carrier (22) and detent elements (30) consisting at least partially of a multiple-component plastic (32 and 42) where the multiple-component plastic consists of a carrier material (32) and a coating (42) (As seen in column 3, lines 52-60). The generator carrier (22) comprised of a cup-shaped (22; column 2, line 30) construction with a depression, having a base (23), wherein the gas generator (24) is arranged (Figure 1). The depression having an edge with at least one section formed thereon so as to project laterally (Reference is made to Figure 1 above the spring elements (56)).

Examiner notes that the detent elements (30) and carrier (22) of Schütz in an embodiment may both consist of plastic and be integrally attached to one another

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(Column 3, Lines 58-61), therefore the carrier (22) consists of multiple-component plastic as it is integrally formed with the detent elements (30).

Examiner also notes that the holding surface (42) of Schütz is utilized to prevent the gasbag module from rattling and causing disturbing noises whilst traveling (Column 3, Lines 20-26). As such the pin (32) of Schütz, although of plastic, would still necessitate a holding surface of a material designed to limit rattling and noise, this would require a much less rigid plastic than that required for a pin of a detent element. In addition, Schütz does not disclose or show the holding surface (42) being eliminated from the pin (32) when making the pin (32) of plastic, as such the plastic pin (32) shown (Reference is made to Figures 2a and 2b) would still indicate, to one of ordinary skill in the art, that the holding surface (42) is still required. Therefore Schütz discloses all of the claimed elements, including multiple-component plastic detent elements.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schütz, US Patent 6,688,638, in view of Worrell et al., US Patent 5,380,037.

In regards to claims 4 and 8, Schütz discloses all of the claimed elements except for the projecting section consisting of a multiple-component plastic.

Worrell et al. teaches the use of a multiple-component plastic (18, 20).

It would have been obvious to modify the apparatus as disclosed by Schütz to include a multiple-component plastic as taught by Worrell et al. so as to increase the outward appearance and feel.

(10) Response to Argument

On pages 3-7 of the Appeal Brief, Appellant argues that the Examiner has failed to establish a prima facie case of anticipation of the claims 3, 5, and 7. The Examiner maintains Schütz anticipates the claims.

On page 6 of the Appeal Brief, Appellant argues that, "Schütz does not disclose or suggest detent elements comprising a multiple component plastic". However, according to Figures 2a and 2b and Column 3, lines 52-60, of Schütz, the pin as provided in Figures 2a and 2b may comprise a metallic pin with an insulation on the holding surface, "Alternatively, it would also be conceivable to construct the pin 32 in plastic and to provide the contact surface 40 with a metallization". Schütz does not disclose modifying the holding surface of the pin, which is provided with the insulation nor does Schütz show the holding surface without the insulation provided thereon. As such, the Examiner maintains that Schütz discloses a plastic pin of one plastic material with a holding surface having the insulation, of a separate plastic material, provided thereon.

On page 7, of the Appeal Brief, Appellant argues, "Schütz makes is quite clear that rattling and noise are addressed through the spring force urging the spring wire against the holding surface". However, in the embodiment of the invention the Appellant references, the spring force urges the spring wire against a holding surface which is clearly provided with an insulation thereon. As such, the insulation is clearly included in the means for preventing rattling and noise, reference is made to Schütz Figures 1. 2a, and 2b.

On pages 8-11, of the Appeal Brief, Appellant argues that the Examiner has failed to establish a prima facie case of obviousness of claim 4. Examiner maintains claim 4 is obvious over Schütz in view of Worrell.

On page 9, of the Appeal Brief, Appellant argues, "Worrell is silent to the material used to construct the container 18 or pad 20". Examiner maintains that Worrell clearly discloses a multiple-component plastic in the form of a carrier material and a coating. Figure 2, of Worrell et al., clearly discloses cross-hatching indicative of a "Section Of Synthetic Resin Or Plastic", reference is made to MPEP 608.02.

Furthermore, the Examiner stated, "Schütz discloses all of the claimed elements except for the projecting section consisting of a multiple-component plastic". As such, Worrell et al. is only meant to render this subject matter not disclosed in Schütz as obvious, the arguments not drawn to this subject matter are not commensurate with an Appeal of the rejection of obviousness.

On page 10, of the Appeal Brief, Appellant argues, "The Examiner has not set forth any articulated reasoning with some rational underpinning to support this position", which questions the motivation provided by the Examiner in the obviousness rejection. The Examiner maintains the motivation provided in the previous rejection, even though not explicitly taught in the reference, is proper.

On pages 11-13, of the Appeal Brief, Appellant argues that the Examiner has failed to establish a prima facie case of obviousness of claim 8. The Examiner maintains claim 8 is obvious over Schütz in view of Worrell.

On page 11, of the Appeal Brief, Appellant reiterates arguments not commensurate with the Appeal of the rejection of obviousness, as the teachings of Worrell were not directed to the detent elements, or the suggestion that the detent elements of Schütz are deficient.

On pages 11 and 12, of the Appeal Brief, Appellant reiterates, "the Examiner has set forth no reasoning or rationale", which again questions the motivation provided by the Examiner in the obviousness rejection. The Examiner maintains the motivation provided in the previous rejection, even though not explicitly taught in the reference, is proper.

Furthermore, the Examiner maintains that since claim 3 is anticipated by Schütz and since the anticipation of claims 5 and 7 are not argued by the Appellant, that the Examiner has established a prima facie case of anticipation with regards to claims 5 and 7.

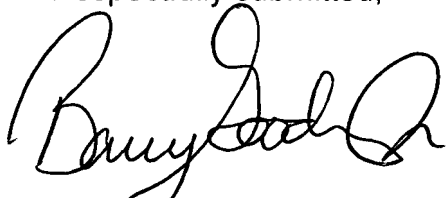
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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


 7/11/07
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